

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jude A. O.,

File No. 21-cv-01731 (ECT/JFD)

Petitioner,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Merrick B. Garland, *Acting Attorney General, Department of Justice*, Alejandro Mayorkas, *Secretary, Department of Homeland Security*, Tae D. Johnson, *Acting Director, Immigration and Customs Enforcement*, Marcos Charles, *Director, St. Paul Field Office; Immigration and Customs Enforcement*, and Joel Brott,

Respondents.

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Petitioner Jude A. O. commenced this action by filing a petition for a writ of habeas corpus under 28 U.S.C. § 2241. ECF No. 1. Jude's petition challenges his confinement with U.S. Immigration and Customs Enforcement on due-process grounds. *Id.* ¶¶ 7, 50–72, 79–98.<sup>1</sup> The Court has received the October 19, 2021 Report and Recommendation of United States Magistrate Judge John F. Docherty. ECF No. 17. As described in the Report and Recommendation, when Jude filed his petition, he was in pre-removal detention pursuant to 8 U.S.C. § 1226(c), and the Government's September 17, 2021 response argued that the petition should be denied as moot because, after it was filed, Jude was moved to a post-final-removal-order detention under 8 U.S.C. § 1231. *Id.* at 2. However, since the

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<sup>1</sup> The petition also raised a First Amendment right-to-marry claim, which was dismissed on October 1, 2021. ECF No. 16.

Government filed its response, Jude has been removed from the United States, and Magistrate Judge Docherty accordingly found that the petition is moot, and the Court lacks subject-matter jurisdiction. *Id.*

No party has objected to the Report and Recommendation, and Magistrate Judge Docherty correctly concluded that there is no longer subject-matter jurisdiction here. Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 17] is **ACCEPTED**;
2. The Petition for a Writ of Habeas Corpus [ECF No. 1] is **DENIED** as moot as to Petitioner's remaining Fifth Amendment claims; and
3. This action is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 23, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court